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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,374	04/01/2004	Christoph Becke	ZTP01P14043	9753

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,374

Applicant(s)

BECKE ET AL.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 7 & 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 27, 2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 & 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsson [U.S. Patent No. 3,220,558]. Olsson (figures 1-6) teaches of a storage compartment for a refrigerator door, the compartment comprising: a box-shaped body (316 along with 14 for example) having a longitudinal wall (318b) and a given depth; and a compartment divider (319) attached to the wall and extending over more than half of the given depth (fig. 6), the divider defining a chamber (at areas 22) capable of holding small items. The divider being capable of extending substantially entirely over the given depth (note fig. 1 for example). The compartment having at least one sidewall (see notched sections of the sidewall – fig 1.) with a concave shape (top of the

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notch) in a direction of the given depth. The chamber having an open base (note fig.

3). The divider having a given height that is less than that of the box-shaped body (when not attached to the body).

4. Claims 1-3 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by European publication 611,930 [EP'930]. EP'930 (figures 1-5) teaches of a storage compartment for a refrigerator door, the compartment comprising: a box-shaped body (2 – fig. 1) having a longitudinal wall (5) and a given depth; and a compartment divider (11) attached to the wall and extending over more than half of the given depth (fig. 2), the divider defining a chamber (23) capable of holding small items. The divider being capable of extending substantially entirely over the given depth. An extent of the divider in a direction of the given depth of the body being greater than in a width direction. The divider having a given height that is less than that of the box-shaped body (note rear wall for example).

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by German publication 9014463 [DE'463]. DE'463 (figures 1-4) teaches of a storage compartment for a refrigerator door, the compartment comprising: a box-shaped body (20) having a longitudinal wall (rear wall 24) and a given depth; and a compartment divider (31) attached to the wall and extending over more than half of the given depth (fig. 6), the divider defining a chamber (on each side of the divider) capable of holding small items. The divider being capable of extending substantially entirely over the given depth (note fig. 2 for example). An extent of the divider in a direction of the given depth of the body being greater than in a width direction. The compartment having at least one sidewall (note the sides of the divider near the section where part 31 and part 22 meet) with a concave shape in a direction of the given depth. The chamber having an open

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base (note fig. 2). The divider having a given height that is less than that of the box-shaped body (fig. 4).

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Japanese publication 2001-116439 [JP'439]. JP'439 (figures 1-5) teaches of a storage compartment for a refrigerator door, the compartment comprising: a box-shaped body (2) having a longitudinal wall (either front or rear wall) and a given depth; and a compartment divider (3 or 4) attached to the wall and extending over more than half of the given depth (fig. 3), the divider defining a chamber (two chambers shown) capable of holding small items. The divider being capable of extending substantially entirely over the given depth (note fig. 2 for example). An extent of the divider in a direction of the given depth of the body being greater than in a width direction. The compartment having at least one sidewall (note the two sides of the chamber for example) with a concave shape in a direction of the given depth. The chamber having an open base (note fig. 3). The divider having a given height that is less than that of the box-shaped body (fig. 3).

Conclusion

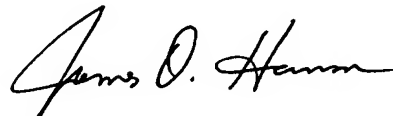
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Japanese publications 2000-65466 & 8-49964 describe storage compartments for refrigerator doors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
April 1, 2005